



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

April 17, 2009

Vern Keller  
Range NEPA Coordinator  
Humboldt-Toiyabe National Forest  
1200 Franklin Way  
Sparks, Nevada 89431

Subject: Draft Environmental Impact Statement for Martin Basin Rangeland  
Project (CEQ # 20080542)

Dear Mr. Keller:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Martin Basin Rangeland Project pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed. Based upon our review, we have rated the proposed action as *Environmental Concerns- Insufficient Information (EC-2)*. See attached "Summary of the EPA Rating System" for a description of the rating. The basis for the rating is summarized below and further detailed in our enclosed comments.

EPA supports the effort to maintain or bring about sustainable, functioning ecological conditions on the Martin Basin grazing allotments, including the reduction of maximum allowable utilization rates for vegetation, and implementation of adaptive management strategies. Nevertheless, we are concerned that further resource declines will occur unless additional rangeland management changes are made. Improving riparian and stream conditions is especially important because the Martin Basin is an important area for the recovery of the federally listed threatened Lahontan cutthroat trout. EPA recommends consideration of further reductions in grazing where water quality problems exist. Other concerns include impacts on downstream users and the lack of Proposed Action details on Allotment Management Plans, Forest Service private land purchases, and the process behind determining permitted numbers of cow/calf pairs (and/or animal unit months (AUMs)).

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send a copy to the address above (Mail Code: CED-2). If you have any questions, please feel free to contact me, at 415-972-3521, or Susan Sturges, the lead reviewer for this

project. Susan can be reached at 415-947-4188 or [sturges.susan@epa.gov](mailto:sturges.susan@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen M. Goforth", with a long horizontal flourish extending to the right.

Kathleen M. Goforth, Manager  
Environmental Review Office (CED-2)

Enclosures:

Summary of EPA Rating Definitions  
EPA's Detailed Comments

### **Proposed Action (Alternative 2) Description**

Alternative 2 relies on the ecological condition of the rangelands to set and make adjustments to grazing use and grazing practices and strategies. Alternative 2 would set proper use criteria (for this project, utilization) for habitat groups and use a two stage monitoring plan to ensure proper use criteria are being followed and that the ecosystem is responding as expected. Under Alternative 2, grazing permits would be renewed upon expiration, and updated Allotment Management Plans (AMPs) and Annual Operating Instructions (AOIs) would guide livestock management on each allotment. Any reductions or increases in numbers or season of use would be determined by monitoring to determine the functionality and ecological health of the rangeland. AMPs would include key areas and benchmarks for monitoring compliance with proper use criteria.

#### *Allotment Management Plans*

The Draft Environmental Impact Statement (DEIS) states that new AMPs will be developed, but does not discuss the timing of their development nor whether additional environmental analysis is needed for their development. Appendix C of the DEIS includes AMPs for each of the allotments, however, it is unclear if these are existing AMPs, updated AMPs, or partially updated AMPs intended for full updates at a later time.

#### *Recommendations:*

- In the Final Environmental Impact Statement (FEIS), explain the timing of updates for the AMPs and discuss whether any additional environmental analysis is needed for their development. Discuss how their updates will affect existing grazing permits that are not yet expired.
- Clarify in the FEIS whether the AMPs in Appendix C of the DEIS are existing AMPs or updated AMPs. If the AMPs are partially updated, explain what sections are updated and what future updates are necessary.
- Explain the enforcement process or implementation of corrective actions when a Permittee is not in compliance with proper use criteria and mitigation is necessary to compensate for any resulting adverse impacts to resources of concern.

#### *Permitted Numbers and Animal Unit Months*

Alternative 2 focuses on proposed changes to allowable utilization rates (proper use criteria) to determine when livestock must be removed, but does not discuss how decisions will be made on initial permitted numbers or animal unit months when the project's Record of Decision (ROD) is signed. Maximum utilization standards would be reduced so that no proper use criteria exceed 50 percent utilization. According to the DEIS, early livestock removal from a

given pasture or allotment within the Martin Basin Rangeland Project area would be required if proper use criteria are met and there are no other areas to which the livestock can be moved.

Under the Socio-Economic Values Section of Affected Environment and Environmental Consequences, the DEIS states that Alternative 2 would not initially propose any changes in numbers or season of use presently permitted (p. 182). However, it is unclear how the initial permitted numbers (cow/calf pair) or permitted Animal Units Months (AUMs) under Alternative 2 will be determined (or impacted) in order to meet the reduced utilization levels and how the anticipated permitted numbers or AUMs compare to the other Alternatives. Table 7 reports the possible loss of AUMs for Alternative 2 due to reduced utilization levels (p.31). The DEIS also does not discuss how incorporating the use of the Bradshaw and Rebel Creek Allotments, which are both currently vacant, and incorporating the use of private lands recently purchased or planned for purchase by the Forest Service may affect anticipated permitted numbers or AUMs.

*Recommendations:*

- The process of determining initial permitted numbers and/or AUMs under Alternative 2 should be specifically stated in the Proposed Action Description in the FEIS, especially as it relates to the timing of updates for the AMPs and AOIs. If the Forest Service intends to keep the permitted numbers at status quo until future monitoring data determine otherwise, this should be specifically stated in the Proposed Action Description.
- Clarify in the FEIS whether or not the availability of additional lands for grazing from private land purchases by the Forest Service and the use of the Bradshaw and Rebel Creek Allotments, which are both currently vacant, will potentially increase grazing in the Martin Basin area.

*Private Land Purchases*

Alternative 2 proposes to authorize grazing on private lands within the boundary of the Santa Rosa Ranger District that have been or are proposed to be purchased by the Forest Service, including the Nevada First properties and the Rebel Creek properties. According the DEIS, these lands have been considered during the DEIS analysis. However, the DEIS does not include specific information on these lands.

*Recommendation:*

- Describe the existing conditions of the private land purchases and disclose their locations in proximity to the Martin Basin allotments. EPA suggests including a map that identifies recent or proposed private land purchases by the Forest Service intended for proposed grazing as a part of the Proposed Action description in the FEIS.

## **Lahontan cutthroat trout**

The Martin Basin area is an important site for recovery of the federally listed threatened Lahontan cutthroat trout (LCT) (p. 8). Under Alternative 2, livestock would have direct access to stream channels occupied by LCT. This could cause “take” of LCT as a result of various life stages being trampled or displaced by cattle. Indirect effects to LCT habitat may also occur through bank disturbance, sedimentation, water quality degradation, and changes to channel morphology, which could, in turn, lead to detrimental impacts to important habitat components such as spawning gravels and water temperatures. Such direct and indirect effects could result in adverse affects to LCT and its habitat (p.66). The Proposed Action does not appear to provide specific actions to improve ecosystem conditions for the Lahontan cutthroat trout.

### *Recommendation:*

- We recommend the FEIS evaluate specific actions to help address the impaired conditions of potential Lahontan cutthroat trout recovery streams. Management measures that could be considered include removal of livestock grazing in critical trout habitat and fencing key stream segments. We recommend coordinating with the U.S. Fish and Wildlife Service on the identification of appropriate measures.

The DEIS states that detrimental soil disturbance could continue where livestock congregate (p. 59). While such effects cannot be eliminated without total removal of livestock, management actions are available to minimize congregation effects.

### *Recommendation:*

- We recommend implementation of management measures to minimize livestock congregations in sensitive resources areas. Management measures could include location of mineral licks, location and configuration of water troughs, fencing, and management of livestock locations (e.g., rapid pasture rotations and longer rest rotations for important stream and riparian areas).

## **Water Quality**

The DEIS states that grazing is the largest management activity contributing to detrimental effects on water quality and quantity (p. 45). Many of the drainages in the project area are functioning-at risk. Northeast Cabin, the lower end of Three Mile, and the South Fork of Quinn Creeks are all rated as non-functioning (p. 45). Livestock grazing can directly affect water quality through increased sedimentation, erosion, and nutrient inputs. Indirect effects include a reduction of water quantity, increased water temperatures, and changes in streambed morphology. Nevertheless, it appears livestock grazing is permitted within the streambed corridors.

*Recommendations:*

- The FEIS should fully disclose existing and proposed livestock management practices within streambed corridors and areas containing seeps and springs. For instance, describe existing animal numbers and season-of-use within streambed zones; whether fencing exists to limit direct access to streambeds, seeps, and springs; and frequency of livestock rotations on and off direct streambed use.
- We recommend implementation of management measures that would remove or reduce livestock grazing in areas where water quality problems exist.

**Downstream Users**

The DEIS states that there are at least four streams that have water diversions, with all, except for the Andorno Creek diversion, located outside Humboldt-Toiyabe National Forest lands (p. 35) . The purpose and use of these diversions are not stated. EPA is concerned with potential effects to these downstream users, especially if a diversion serves as a domestic water supply.

*Recommendations:*

- The FEIS should state the purpose and use of downstream diversions. Of specific interest is whether any of the diversions serve as a domestic drinking water source.
- Describe existing and potential effects of livestock grazing on downstream users. For example, evaluate water quality or quantity effects on downstream diversions.

**U.S. Environmental Protection Agency Rating System for  
Draft Environmental Impact Statements  
Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO – Lack of Objections**

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC – Environmental Concerns**

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO – Environmental Objections**

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU – Environmentally Unsatisfactory**

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 – Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 – Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 – Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.